



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 31, 1995

Mr. James R. Raup  
McGinnis, Lochridge & Kilgore, L.L.P.  
1300 Capitol Center  
919 Congress Avenue  
Austin, Texas 78701

OR95-751

Dear Mr. Raup:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33671.

The Round Rock Independent School District (the "school district") received a request for the names, addresses, and telephone numbers of the parents of three specific students. You contend that the requested information is excepted from required public disclosure under section 552.114 of the Government Code and federal law.

Under section 552.114(a), information is excepted "if it is information in a student record at an educational institution funded wholly or partly by state revenue." Section 552.026 incorporates another source of law, specifically, the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), into the Open Records Act, providing that the act

does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

Gov't Code § 552.026; *see also* Open Records Decision No. 431 (1985). FERPA provides the following:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of educational records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) . . .) of students without the written consent of their parents to any individual, agency, or organization.

20 U.S.C. § 1232g(b)(1). "Education records" are records which:

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

*Id.* § 1232g(a)(4)(A). However, we note that the requested information falls within the definition of "directory information." The general prohibition against release of student information does not apply to "directory information." "Directory information" may be released under FERPA after compliance with notice requirements that afford affected students the right to object to the release of directory information relating to them. 20 U.S.C. § 1232g(a)(5)(B); *see also* Open Records Decision Nos. 244 (1980), 242 (1980), 229 (1979). "Directory information" includes, but is not limited to, the following:

the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

20 U.S.C. § 1232g(a)(5)(A). "Directory information" includes the names and addresses of parents. *See* Open Records Decision Nos. 242 (1980), 151 (1977); 34 C.F.R. § 99.37(b) (schools are not required to give notice to former students prior to release of directory information). An educational institution may establish additional categories of directory information, provided that it complies with federal notice requirements. *See* 34 C.F.R. §§ 99.3, .37; *see also* Open Records Decision Nos. 244 (1980), 151 (1977). Accordingly, if the school district has complied with FERPA's posting requirements, *see* 20 U.S.C. § 1232g(a)(5)(B), then the school district must release to the requestor any directory information to which no objection has been raised pursuant to FERPA. *See* Open Records Decision No. 244 (1980). Because federal law governs this matter, we do not address whether a common-law right of privacy excepts the requested information from required public disclosure under section 552.101 of the Open Records Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta R. DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent and the last name "DeHay" following in a similar style.

Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/LBC/rho

Ref: ID# 33671

Enclosures: Submitted documents

cc: Ms. Debi Bankhead  
13200 Darwin Lane  
Austin, Texas 78729  
(w/o enclosures)